

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

JAMES BOHANNON,

Petitioner, : Case No. 1:12-cv-542

- vs -

Chief Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

WARDEN, Allen/Oakwood
Correctional Institution,

Respondent.

ORDER

This habeas corpus case is before the Court *sua sponte* for reconsideration of its sealed status.

On November 28, 2012, Respondent moved under S. D. Ohio Civ. R. 79.3 to “seal the record” in this case, including the transcript of trial and the Answer/Return of Writ (Motion, Doc. No. 10, PageID 50). As grounds therefor, Respondent noted that the case involved a number of incidents of male-on-male rape or gross sexual imposition and sought that the record be sealed “in light of the obviously sensitive nature of the record involving male victims who unwillingly become [sic] the objects of Bohannon’s forced sexual interest.” *Id.* at PageID 51. It was represented that the Hamilton County Common Pleas Court “has retained the record under seal.” *Id.*

Reciting the circumstances relied on by Respondent, Magistrate Judge Litkovitz ordered that the Answer/Return of Writ and the state court record be retained under seal (Order, Doc. No. 11). Judge Litkovitz’s Order was entered December 3, 2012. On December 4, 2012, a deputy

clerk annotated the docket to note

Case has been unsealed per direction of MJ Litkovitz chambers. Counsel only requesting answer/return of writ and state court proceedings to be maintained under seal. Motion to Seal was filed inadvertently by counsel as to the entire case. Per chambers, the motion and order will be maintained under seal. (tt) Modified on 12/4/2012 - TO REFLECT CASE AGAIN SEALED DUE TO VICTIM NAMED IN PETITION (tt).

Upon reconsideration, the Magistrate Judge cannot justify continued sealing of the entire case. Accordingly, it is hereby ORDERED that the Clerk UNSEAL this case, but maintain under seal Doc. Nos. 1, 10, 11, 12, 20, and 23. To ensure public accountability of the Court, the pending Report and Recommendations is being re-filed in redacted form to remove the full names of the victims.

October 15, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge